

---

# Appeal Decision

Site Visit made on 17 August 2021

**by Martin Small BA(Hons) BPI DipCM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> September 2021**

---

**Appeal Ref: APP/Z1775/W/21/3266710**

**127 Powerscourt Road, Portsmouth, PO2 7JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Palgrave Properties against the decision of Portsmouth City Council.
  - The application Ref 19/01055/FUL, dated 8 July 2019, was refused by notice dated 6 November 2020.
  - The development proposed is change of Use from Class C4 to 7bed Sui-Generis  
\*Resubmission of application - 18/00230/FUL.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The name of the appellant on the planning application form is given as Vearncombe, Palgrave Properties. However, the appellant has confirmed that the appeal should proceed in the name of Palgrave Properties only. I have therefore used this name in the banner heading above.
3. I noted during my site visit that the room annotated as 'living room' on the Existing Plans drawing was empty and the kitchen shown on the drawing had been furnished with two sofas, a small table and a television, indicating its use as a lounge. The kitchen had been relocated to the rear part of this communal space. I was unable to enter two of the bedrooms but I have determined this appeal on the basis that occupancy will be limited to 7 people as per the description of the proposal.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal with regard to the revised Framework.

## Main Issue

5. The Council's second reason for refusal related to the lack of mitigation for the effect of the proposal on the integrity of the Solent Special Protection Areas (SPAs)<sup>1</sup>. The appellant has indicated a willingness to make the requisite contributions towards mitigation. I return to this matter below. The main issue is therefore whether the proposed development would provide adequate living conditions for its occupiers in respect of communal space.

---

<sup>1</sup> Portsmouth Harbour Special Protection Area (SPA)/ Ramsar site, Chichester and Langstone Harbours SPA/ Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation (SAC), Solent Maritime SAC, Solent and Southampton Water SPA and Solent and Dorset Coast potential SPA

## Reasons

6. Although only increasing the occupancy of the appeal property by one person, the conversion of the room marked as 'Living Room' on the Existing Plans drawing to a bedroom would result in the loss of useable communal space. As a result, the communal living area would comprise the kitchen / communal area to the rear of the property.
7. The Council's revised "Houses in multiple occupation (HMOs) – Ensuring mixed and balanced communities" Supplementary Planning Document (2019) (SPD) sets out standards of 6.51 m<sup>2</sup> for bedroom sizes and of 34 m<sup>2</sup> for a combined living space for 6 or more persons where not all the bedrooms are 10 m<sup>2</sup> or more. I acknowledge that the size of the bedrooms in the property all exceed the minimum standard set out in the SPD and, with the exception of Bedrooms 4 and 7, are reasonably generous, exceeding 10 m<sup>2</sup>.
8. However, the SPD allows for a reduction in the communal area only where *all* the bedrooms are of 10 m<sup>2</sup> or more, which is not the case with the appeal property. The combined kitchen / communal area would be approximately 28.8 m<sup>2</sup> and would therefore fall significantly short of the adopted standard, although the SPD is only guidance and does not carry the full weight of a development plan.
9. The kitchen is of a good standard with fitted cupboards and a cooker. An existing separate single-storey side extension to the property is accessed by a door from the kitchen and accommodates washing machines and fridge freezers. The extension also provides access to the rear garden of the property which is of a reasonable size and provides space for sitting out and drying washing. The communal areas are well lit by windows and rooflights.
10. However, the current lounge area is narrow, with seating for only 4 in comfort. The lounge area is the thoroughfare to the kitchen which is partially obstructed by one of the sofas. Furthermore, there is currently limited room for dining with no formal dining table and only a small area of worktop at which the sit and eat. In these circumstances, occupants wishing to sit and relax in the lounge area may find themselves next to someone eating a meal. This is far from ideal and indicative of the inadequate nature of the space.
11. The proposals include a slightly larger side extension, to be incorporated into the lounge area / kitchen, in an attempt to overcome a reason for refusal of a previous application for the same change of use relating to the adequacy of the communal amenity space<sup>2</sup>. Whilst this enlarged extension would result in a modest increase in the communal area, the lounge area would still remain relatively cramped due to the need to allow space to access appliances. The increased area would provide little, if any, separate room for eating. The communal area would therefore remain inconvenient and functionally poor.
12. The lack of adequate conveniently useable communal space would impact particularly on the occupiers of Bedrooms of 4 and 7. Accordingly, the over provision of individual space does not compensate for the under provision of communal space.
13. I therefore conclude that the proposed change of use would result in inadequate living conditions for the occupiers of the property. Accordingly, in

---

<sup>2</sup> 18/00230/FUL

this respect, the proposal conflicts with Policy PCS23 of The Portsmouth Plan Portsmouth's Core Strategy (2012) (the Core Strategy) which, amongst other things, requires that new development provides a good standard of living environment for future occupiers. This policy is consistent with paragraph 130 f) of the revised Framework which requires developments to create places with a high standard of amenity for existing and future users.

14. The Planning Officer's Report concludes that the proposal would conflict with Policy PCS20 of the Core Strategy although this is not cited in the Council's indicated reasons for refusal. Policy PCS20 seeks to ensure mixed and balanced communities through restricting an overprovision of HMOs. It is therefore not relevant to the issue of the adequacy of the living accommodation for the occupiers of the property. In any event, the appeal property is already in use as an HMO and consequently the proposed development would not result in an additional HMO in the area. Accordingly, I find no conflict with Policy PCS20.

### **Other Matters**

#### *The Solent SPAs*

15. The mudflats, shingle and salt marshes within the SPAs provide essential feeding and roosting grounds for an assemblage of internationally important numbers of wading birds which together comprise the qualifying features of the SPAs. The conservation objectives for the SPAs are, in summary, to ensure that the integrity of the sites is maintained or restored in order to protect the habitats and the birds that depend on them.
16. However, as I have found the proposals to be unacceptable for another reason, there is no need for me to consider the implications of the proposals on the integrity of the SPAs or the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), notwithstanding the appellant's willingness to make the requisite contributions towards mitigation.

#### *Other considerations*

17. I note that the communal floorspace proposed complied with the Council's adopted standard when submitted and so I understand the appellant's disappointment with the delay in determining the application, during which time the Council adopted a revised SPD with a higher standard. However, I must determine this appeal in the context of the current adopted SPD.

### **Conclusion**

18. I have found above that the proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate that a decision should be made other than in accordance with the development plan.
19. For this reason, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

*Martin Small*

INSPECTOR